

OLC 78-2835

28 July 1978

OLD MAILING COPY
Pro/Leg

MEMORANDUM FOR: OGC
DDO

FROM:

Chief, Legislation Staff
Office of Legislative Counsel

STAT

SUBJECT: Justice Appropriations Bill Report Language on Entry
and Expulsion of Foreign Intelligence Personnel

1. The Senate Appropriations Committee has ordered reported the Appropriations bill for the Department of Justice and other agencies. Attached is a page from the Committee report; I would direct your attention to the bracketed paragraph concerning a "directive" that "hostile [foreign] intelligence service personnel" should be denied entry to the U.S. and, if in the country, expelled.

2. Although this provision is report language only, and is not reflected in the bill itself, the fact that it is directed to an agency (INS) for which funds are appropriated under the provisions of the bill, means that in practice it may have the effect of a binding directive; at least the INS may operate on that basis (this could prove extremely troublesome).

3. Would you please review the referenced paragraph in the report, and advise as to the problems your office foresees with regard to:

--the provision's effects on our relationship with INS

--the potential "reciprocity effects" if the "directive" in the provision were carried through

--[for OGC] whether there is sufficient flexibility in the language concerning the role of the Attorney General so that the possible negative effects could be avoided

--the numbers of "hostile intelligence service personnel" that would presently and could be affected by the provision

Any other relevant comments would, of course, be welcome.

4. Please advise as to the above matters by Tuesday, 1 August; this will allow us to begin taking whatever action may be necessary before the House-Senate conferees meet on the legislation. Thank you.

MORI/CDF Page 1

SECRETED

STAT



Office of the Director
Program Review & Budget Staff
Office of Management & Finance
United States Department of Justice

July 27, 1978

[Redacted]

Office of General Counsel
Central Intelligence Agency

STAT

[Redacted]

STAT

Long time no see! Attached is the information you spoke to Mike Wenk about this a.m. I would suggest that our respective staffs work together to correct this situation.

If I can be of any assistance, please call.

A handwritten signature in black ink, appearing to be "J. Hoobler", is written over the typed name.

James F. Hoobler

Attachment

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

1978 appropriations to date.....	\$286,450,000
1979 budget estimate.....	298,012,000
House allowance.....	—, —, —
Committee recommendation.....	299,800,000

¹ Excludes pending supplemental appropriation estimates of \$16,637,000.

The Committee recommends an appropriation of \$299,800,000, an increase of \$33,750,000 over the 1978 appropriations to date. The amount recommended is \$1,781,000 over the budget estimate and \$299,800,000 over the amount allowed by the House; and will support a total of permanent positions.

These funds will be used for administering and enforcing the laws of the United States relating to immigration, naturalization and alien registration. The Committee held several extensive executive sessions and as a result determined that far too many Soviet Bloc Intelligence Service personnel have been admitted entry into the United States. Therefore, the Committee directs that the Immigration and Naturalization Service under the guidance, control, and supervision of the Attorney General deny entry and enforce expulsion of hostile intelligence service personnel irrespective of visas issued by, or policies of, the Department of State.

The Committee has closely followed the efforts of the Service in its endeavors to become current with its workload. While the new machinery and procedures have indeed been helpful the basic problem is a shortage of personnel. The INS is currently authorized a staff of 10,071 permanent positions but erosion in the personnel compensation base over the years has left only enough to maintain an average staff of — positions. The Committee has included \$3,348,000 in the bill to reduce the lapse rate from — percent to — percent.

There has long been a need to improve service in the Carolinas which are presently served by the Norfolk and Atlanta district offices. The Committee has provided an additional 23 positions (that will be supplemented by 5 positions now assigned to Atlanta) and \$684,000 to establish a new district office at Charlotte, N.C.

The Committee supports the 903 additional positions requested in the budget but has to provide for them on a 50 percent lapse basis in order to stay within the amount proposed to be authorized for 1979. These additional positions are distributed as follows:

Inspections program.....	200
Border patrol program.....	293
Investigations program.....	155
Intelligence program.....	8
Training program.....	4
Records and data systems enhancement program.....	240
Program direction.....	3

The Committee has approved all of the funds associated with the additional positions except for the \$261,000 requested for the leasing of a third helicopter for the border prevention program.

The Committee expects next year's budget to include sufficient funds to maintain an average of 95 percent of the 10,997 permanent positions authorized.

BORDER PATROL

The Committee continues to be concerned with the spreading incidence of theft, burglary, and other criminal acts in the wake of the rising tide of illegal immigration across our Southwestern border. Security of person and property is becoming more and more problematic in many communities along the border. Anger and frustration are building and the situation is becoming increasingly volatile. Already there are signs of the potential for direct action and the likelihood of an untoward incident is growing.